

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Office of Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: August 3, 2004

Signature: 

(Alisa M. Haggemo)

IPN
Docket No.: 66012-0010
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Alain Duerr et al.

Application No.: 10/736,957

Filed: December 16, 2003

For: VIALS-BLINDING SOLUTION (Container and
its use in packaging, for example packaging for
remedies)



Confirmation No.: 4438

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

PETITION PURSUANT TO 37 CFR 1.17(h)

MS Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.17(h), counsel for the inventors makes the above-identified
Petition according to the following facts:

1. Applicant filed a nonprovisional patent application on December 16, 2003. A complete copy of the papers filed is attached as Exhibit A. The papers filed included 1 sheet of drawings showing 5 figures.

2. Applicant received a return postcard from the U.S. Patent and Trademark Office on December 26, 2003, providing a serial number and filing date associated with the papers filed and referenced on the postcard, including the one sheet of drawings showing 5 Figures. A copy of the return postcard is attached as Exhibit B. Thus, the Office acknowledged it received the drawings associated with the application as filed.

08/06/2004 HALI11 00000032 180013 10736957

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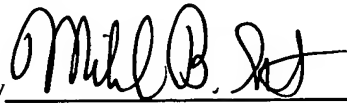
3. Applicant received a Notice of Incomplete Nonprovisional Application on July 30, 2004, stating that the application was deposited without drawings and that an oath or declaration was missing. A copy of the Notice is attached as Exhibit C.

Therefore, in view of the foregoing statements and accompanying exhibits, it is respectfully submitted that a proper showing has been made pursuant to 37 CFR 1.17(h) and that the application was deposited with drawings. Thus, the filing date of December 16, 2003 must be granted. The required oath or declaration referenced in the Notice of Incomplete Nonprovisional Application (Exhibit C) will be filed within the two month response date.

The Director is hereby authorized to charge our Deposit Account No. 18-0013 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h) if necessary. Since this Petition states that the application is entitled to a filing date, a request for a refund of the petition fee, if charged, is also requested.

Dated: August 3, 2004

Respectfully submitted,

By 

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